

## CHAPTER 245

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 19-1262**

BY REPRESENTATIVE(S) Wilson and McLachlan, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Catlin, Coleman, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Landgraf, Liston, McCluskie, McKean, Melton, Michaelson Jenet, Pelton, Roberts, Singer, Sirota, Snyder, Sullivan, Titone, Valdez D., Weissman, Will, Valdez A., Van Winkle, Esgar, Garnett, Gray, Hansen, Kraft-Tharp, Lontine, Mullica, Tipper, Soper; also SENATOR(S) Bridges and Fields, Todd, Story, Priola, Coram, Court, Danielson, Donovan, Fenberg, Foote, Garcia, Ginal, Gonzales, Lee, Pettersen, Williams A., Winter, Cooke, Crowder, Hisey, Holbert, Lundeen, Moreno, Rankin, Rodriguez, Smallwood, Sonnenberg, Tate, Zenzinger.

**AN ACT**

**CONCERNING STATE FUNDING FOR FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 22-54-103, **amend** (10)(b)(I) introductory portion, (10)(e.5), (10)(f), and (15); and **add** (7)(e)(VII) as follows:

**22-54-103. Definitions.** As used in this article 54, unless the context otherwise requires:

(7) "Funded pupil count" means:

(e) (VII) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL ENROLLMENT PURSUANT TO SUBSECTION (7)(e)(I) OF THIS SECTION FOR A DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16 BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE PURSUANT TO THIS SUBSECTION (7)(e)(VII) DOES NOT AFFECT OR CHANGE THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION FOR A BUDGET

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

YEAR COMMENCING BEFORE JULY 1, 2019.

(10) (b) (I) ~~FOR BUDGET YEARS COMMENCING BEFORE THE 2019-20 BUDGET YEAR, a pupil enrolled in a kindergarten educational program pursuant to section 22-32-119 (1) shall be counted as not more than a half-day pupil. except that, if the pupil does not advance to first grade, pursuant to section 22-7-1207, after completing one year of enrollment in a kindergarten educational program, the pupil shall be counted as a full-day pupil for the second year in which he or she is enrolled in the kindergarten educational program~~ FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, A PUPIL ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-32-119 IS COUNTED AS A FULL-TIME PUPIL, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10)(e.5)(I) OF THIS SECTION. For the 2005-06 budget year and each budget year thereafter, a district shall count and receive funding only for pupils enrolled in a kindergarten educational program who are:

(e.5) (I) A pupil who is enrolled as less than a full-time student, other than a student described in ~~paragraph (b) or (d) of this subsection (10)~~ SUBSECTION (10)(b)(II) OR (10)(d) OF THIS SECTION or a student enrolled in a p-tech school pursuant to article 35.3 of this title, ~~shall be~~ TITLE 22, IS counted in accordance with rules promulgated by the state board for students who are enrolled as less than full-time students.

(II) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (10)(e.5)(I) OF THIS SECTION TO THE CONTRARY, A PUPIL WHO COMPLETES ONE SCHOOL YEAR OF ENROLLMENT IN A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM AND DOES NOT ADVANCE TO FIRST GRADE, PURSUANT TO SECTION 22-7-1207, IS COUNTED AS A FULL-DAY PUPIL FOR THE SECOND YEAR IN WHICH THE PUPIL IS ENROLLED IN THE HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM.

(f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify ~~the number of pupils enrolled in half-day kindergarten;~~ the number of pupils enrolled in ~~first grade~~ KINDERGARTEN through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this ~~title~~ TITLE 22; and the number of at-risk pupils.

(15) "Supplemental kindergarten enrollment" means the number calculated by subtracting five-tenths from the full-day kindergarten factor for the applicable budget year and then multiplying ~~said~~ THAT number by the number of pupils in the district who are enrolled in A HALF-DAY kindergarten EDUCATIONAL PROGRAM for the applicable budget year. For the purposes of this subsection (15), the full-day kindergarten factor for the 2008-09 ~~2009-10, and 2010-11 budget years~~ BUDGET YEAR and each budget year thereafter is fifty-eight hundredths of a full-day pupil.

**SECTION 2.** In Colorado Revised Statutes, 22-28-104.3, **amend** (2); and **repeal** (4) and (5) as follows:

**22-28-104.3. Early childhood at-risk enhancement (ECARE).**

(2) (a) ~~Notwithstanding the provisions of section 22-28-104 (2)(b)~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF THIS SECTION, in allocating the authority to enroll children in the Colorado preschool program pursuant to this section, the department shall allow a school district to enroll a child in the program using two positions so that the child may attend a full-day preschool portion of the district's preschool program or to use a preschool program position to enroll a child in a full day of the district's existing full-day kindergarten EDUCATIONAL program. IN USING TWO POSITIONS TO ALLOW A CHILD TO ATTEND A FULL-DAY PRESCHOOL PORTION OF THE SCHOOL DISTRICT'S PRESCHOOL PROGRAM, A DISTRICT MAY USE TWO PRESCHOOL POSITIONS ALLOCATED PURSUANT TO THIS SECTION OR MAY USE A PRESCHOOL POSITION ALLOCATED PURSUANT TO THIS SECTION AND A PRESCHOOL POSITION ALLOCATED PURSUANT TO SECTION 22-28-104. IF A SCHOOL DISTRICT COMBINES A PRESCHOOL POSITION ALLOCATED PURSUANT TO THIS SECTION WITH A PRESCHOOL POSITION ALLOCATED PURSUANT TO SECTION 22-28-104 TO ALLOW A CHILD TO ATTEND FULL-DAY PRESCHOOL, THE DEPARTMENT SHALL NOT INCLUDE THE PRESCHOOL POSITION ALLOCATED PURSUANT TO SECTION 22-28-104 IN CALCULATING THE LIMITATION ON USING POSITIONS FOR FULL-DAY PRESCHOOL SPECIFIED IN SECTION 22-28-104 (4)(b).

(b) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE DEPARTMENT SHALL NOT ALLOCATE TO A DISTRICT, AND A DISTRICT SHALL NOT USE, A PRESCHOOL PROGRAM POSITION TO ENROLL A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM. A DISTRICT THAT USED A PRESCHOOL PROGRAM POSITION TO ENROLL A CHILD IN A FULL DAY OF THE DISTRICT'S FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM IN THE 2018-19 BUDGET YEAR MAY RETAIN THE POSITION IN THE 2019-20 BUDGET YEAR AND BUDGET YEARS THEREAFTER TO ENROLL A CHILD IN THE DISTRICT'S PRESCHOOL PROGRAM TO ATTEND A HALF DAY OR FULL DAY OF PRESCHOOL; EXCEPT THAT, IF THE DISTRICT DOES NOT ENROLL A SUFFICIENT NUMBER OF CHILDREN TO USE ALL OF THE RETAINED PRESCHOOL PROGRAM POSITIONS IN A BUDGET YEAR, THE DEPARTMENT SHALL REDISTRIBUTE THE UNUSED POSITIONS.

(4) ~~If, pursuant to a district's authority to enroll children in the Colorado preschool program pursuant to this section, the district chooses to use a preschool program position to enroll a child in a full day of the district's existing full-day kindergarten program, the district shall retain the supplemental kindergarten enrollment attributable to the child enrolled in a full day of kindergarten using a preschool program position and may expend the supplemental kindergarten enrollment attributable to the child in furtherance of the district's preschool program or the district's full-day kindergarten program.~~

(5) ~~If a district uses a preschool program position to enroll a child in a full day of the district's existing full-day kindergarten program, the child must satisfy at least one of the eligibility requirements set forth in section 22-28-106 (1)(a)(II) to (1)(a)(IV).~~

**SECTION 3.** In Colorado Revised Statutes, 22-32-119, **amend** (1) as follows:

**22-32-119. Kindergartens - definition.** (1) (a) A board of education shall establish and maintain ~~kindergartens~~ FULL-DAY OR HALF-DAY KINDERGARTEN

EDUCATIONAL PROGRAMS in connection with the schools of its district for the instruction of children one year prior to the year in which such THE children would be eligible for admission to the first grade. ~~Said~~ A board may prescribe courses of training, study, and discipline and rules ~~and regulations governing such~~ THE kindergarten EDUCATIONAL programs. ~~Said kindergartens shall~~ THE KINDERGARTEN EDUCATIONAL PROGRAMS MUST be a part of the public school system, and THE SCHOOL DISTRICT MUST PAY the cost of establishing and maintaining ~~them may be paid~~ THE KINDERGARTEN EDUCATIONAL PROGRAMS from the general school fund. A SCHOOL DISTRICT SHALL NOT CHARGE THE PARENT OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM TUITION TO ATTEND ANY PORTION OF THE PROGRAM, EXCEPT AS PROVIDED PURSUANT TO SECTION 22-32-115 (2)(b)(I), AND SHALL NOT CHARGE THE PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN EDUCATIONAL PROGRAM.

(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, TO COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A HALF-DAY PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN SECTION 22-54-103 (7), A SCHOOL DISTRICT MAY CHARGE THE STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE AMOUNT OF TUITION OR FEE THAT THE SCHOOL DISTRICT CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT OF 1994". AS USED IN THIS SUBSECTION (1)(b), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

**SECTION 4.** In Colorado Revised Statutes, **amend** 22-32-119.5 as follows:

**22-32-119.5. Full-day kindergarten - phase-in plan - report - legislative declaration.** (1) (a) The general assembly ~~hereby~~ finds and declares that:

(I) Rigorous research proves that full-day kindergarten is an effective way of improving a child's academic performance;

(II) Research shows that children who have academic success are less likely to drop out of school and more likely to graduate from high school and enter an institution of higher education, leading them to higher-paying jobs that provide for a strong economy in the state;

(III) Studies show that full-day kindergarten EDUCATIONAL programs address achievement gap issues and promote student achievement;

(IV) All children in Colorado deserve the chance to attend a full day of kindergarten, as the benefits of full-day kindergarten continue throughout a child's educational experience and set the tone for future academic success.

(b) The general assembly further finds and declares that while the benefits of full-day kindergarten EDUCATIONAL programs are evident, ~~the general assembly may be unable to provide funding to allow every eligible child in the state to attend a full day of kindergarten. As a result,~~ determining an approach to phase in full-day kindergarten EDUCATIONAL programs is the first step toward potentially offering full-day kindergarten EDUCATIONAL programs statewide. The development of a plan by each local board of education THAT IS NOT OFFERING A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20 SCHOOL YEAR to phase in a full-day kindergarten EDUCATIONAL program at the district level is essential to ensure that the appropriate mechanisms are in place to support and maintain high-quality, full-day kindergarten EDUCATIONAL programs in Colorado.

(2) Each local board of education THAT IS NOT OFFERING A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20 SCHOOL YEAR shall develop a plan to potentially phase in a full-day kindergarten EDUCATIONAL program in the school district. ~~to be funded with state or local moneys provided specifically for such program.~~ In developing the plan, each local board shall consider the following:

(a) Available space in existing school district facilities for a full-day kindergarten EDUCATIONAL program;

(b) The need and cost of new school district facilities necessary to offer a full-day kindergarten EDUCATIONAL program, including but not limited to the cost associated with construction, acquisition, reconfiguration, or renovation of new or existing facilities;

(c) ~~A method to identify the children who would most benefit from attending a full day of kindergarten, including but not limited to:~~

~~(i) Children who lack overall learning readiness due to significant family risk factors, who are in need of language development, or who are receiving services from the department of human services pursuant to article 5 of title 26, C.R.S., as neglected or dependent children;~~

~~(ii) Children who are currently enrolled in the Colorado preschool program;~~

~~(iii) Children who are eligible for free or reduced lunch; and~~

~~(iv) Children who are enrolling in an elementary school that is required to implement a priority improvement or turnaround plan pursuant to section 22-11-405 or 22-11-406, respectively, or is subject to restructuring pursuant to section 22-11-210;~~

(d) Professional development and staffing needs;

(e) ~~A method to prioritize the children to be served by a full-day kindergarten~~

~~program if state and local funding for the program is insufficient to allow every eligible child in the school district to attend a full day of kindergarten;~~

(f) A plan for parent and community outreach and enrollment processes; and

(g) The anticipated enrollment in a full-day kindergarten EDUCATIONAL program, including the percentage of eligible children in the school district that will choose to enroll in the program.

(3) Each local board of education THAT IS NOT OFFERING A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM AS OF THE 2019-20 SCHOOL YEAR shall submit its plan to phase in a full-day kindergarten EDUCATIONAL program to the department of education on or before ~~February 1, 2008.~~ Any JULY 1, 2020. A school district that has developed a full-day kindergarten plan within the five years ~~prior to May 9, 2007~~ BEFORE JULY 1, 2020, may submit the previously developed plan to the department in lieu of developing a plan pursuant to this section.

(4) Nothing in this section: ~~shall be construed to:~~

(a) ~~Require~~ REQUIRES a child to attend a full day of kindergarten; OR

(b) ~~Prohibit~~ PROHIBITS a school district from offering a half-day kindergarten EDUCATIONAL program. ~~or~~

(c) ~~Require a local board of education to implement the school district's plan to phase in a full-day kindergarten program without state funding for the program.~~

**SECTION 5.** In Colorado Revised Statutes, 22-30.5-112, **amend** (2)(c)(III) and (2)(e) as follows:

**22-30.5-112. Charter schools - financing - guidelines - definitions - repeal.**

(2) (c) (III) ~~If a charter school operates a full-day kindergarten program,~~ For purposes of calculating ~~the~~ A charter school's funding pursuant to this subsection (2):

(A) IF THE CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD; AND

(B) IF THE CHARTER SCHOOL OPERATES A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils enrolled in the charter school ~~shall~~ MUST include the supplemental kindergarten enrollment as defined in section 22-54-103 (15).

(e) (I) Fees collected from students enrolled at a charter school shall be retained by such charter school.

(II) (A) A CHARTER SCHOOL SHALL NOT CHARGE THE PARENT OF A CHILD

ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM TUITION TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL NOT CHARGE THE PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN EDUCATIONAL PROGRAM.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(e)(II)(A) OF THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, TO COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A HALF-DAY PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN SECTION 22-54-103 (7), A CHARTER SCHOOL MAY CHARGE THE STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE AMOUNT OF TUITION OR FEE THAT THE CHARTER SCHOOL CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT OF 1994". AS USED IN THIS SUBSECTION (2)(e)(II)(B), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

**SECTION 6.** In Colorado Revised Statutes, 22-30.5-112.1, **amend** (3)(c) as follows:

**22-30.5-112.1. Charter schools - exclusive jurisdiction districts - authorized on or after July 1, 2004 - financing - definitions - repeal.** (3) (c) ~~If a charter school operates a full-day kindergarten program,~~ For purposes of calculating the a charter school's funding pursuant to this subsection (3):

(I) IF THE CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD; AND

(II) IF THE CHARTER SCHOOL OPERATES A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils enrolled in the charter school ~~shall~~ MUST include the supplemental kindergarten enrollment as defined in section 22-54-103 (15).

**SECTION 7.** In Colorado Revised Statutes, 22-30.5-513, **amend** (2)(b.5); and **add** (2)(e) as follows:

**22-30.5-513. Institute charter schools - funding - at-risk supplemental aid - legislative declaration - definitions - repeal.** (2) (b.5) ~~If an institute charter school operates a full-day kindergarten program,~~ For purposes of calculating the AN

institute charter school's funding pursuant to this subsection (2):

(A) IF THE INSTITUTE CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS FULL-DAY PUPILS; EXCEPT THAT A STUDENT ENROLLED AS LESS THAN A FULL-TIME PUPIL IS COUNTED IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD; AND

(B) IF THE INSTITUTE CHARTER SCHOOL OPERATES A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE PUPILS ENROLLED IN THE PROGRAM ARE COUNTED AS HALF-DAY PUPILS AND the number of pupils enrolled in the institute's INSTITUTE charter school shall MUST include the supplemental kindergarten enrollment as defined in section 22-54-103 (15).

(e) (I) AN INSTITUTE CHARTER SCHOOL SHALL NOT CHARGE THE PARENT OF A CHILD ENROLLED IN A KINDERGARTEN EDUCATIONAL PROGRAM TUITION TO ATTEND ANY PORTION OF THE PROGRAM AND SHALL NOT CHARGE THE PARENT FEES FOR THE CHILD TO ATTEND THE PROGRAM OTHER THAN FEES THAT ARE ROUTINELY CHARGED TO THE PARENTS OF STUDENTS ENROLLED IN OTHER GRADES AND ARE APPLICABLE TO THE KINDERGARTEN EDUCATIONAL PROGRAM.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(e)(I) OF THIS SECTION TO THE CONTRARY, IF THE GENERAL ASSEMBLY AMENDS THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, TO COUNT A STUDENT ENROLLED IN KINDERGARTEN ONLY AS A HALF-DAY PUPIL, WITH OR WITHOUT THE ADDITION OF SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15) FOR PURPOSES OF CALCULATING THE FUNDED PUPIL COUNT AS DEFINED IN SECTION 22-54-103 (7), AN INSTITUTE CHARTER SCHOOL MAY CHARGE THE STUDENT'S PARENTS TUITION OR A FEE FOR THE PORTION OF THE SCHOOL DAY FOR WHICH IT DOES NOT RECEIVE FUNDING FOR THE STUDENT PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994"; EXCEPT THAT THE AMOUNT OF TUITION OR FEE CHARGED SHALL NOT EXCEED THE AMOUNT OF TUITION OR FEE THAT THE INSTITUTE CHARTER SCHOOL CHARGED TO ATTEND A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM FOR THE 2018-19 BUDGET YEAR, ADJUSTED FOR INFLATION AND PRORATED BY THE PERCENTAGE OF THE SCHOOL DAY FOR WHICH THE STUDENT IS NO LONGER FUNDED BY THE "PUBLIC SCHOOL FINANCE ACT OF 1994". AS USED IN THIS SUBSECTION (2)(e)(II), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

**SECTION 8.** In Colorado Revised Statutes, 22-30.5-105, add (6) as follows:

**22-30.5-105. Charter schools - contract contents - regulations.** (6) A CHARTER SCHOOL THAT PROVIDES A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM BEFORE THE 2019-20 SCHOOL YEAR AND CHOOSES TO EXPAND THE KINDERGARTEN EDUCATIONAL PROGRAM TO A FULL DAY SHALL NOTIFY THE CHARTERING LOCAL BOARD OF EDUCATION OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM AND OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED PROGRAM EXPANSION TAKES EFFECT. THE CHARTER SCHOOL AND THE AUTHORIZING LOCAL BOARD OF EDUCATION SHALL AMEND THE CHARTER CONTRACT

AS NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE LOCAL BOARD OBJECTS TO THE PROGRAM EXPANSION, THE LOCAL BOARD SHALL PROVIDE TO THE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR ITS OBJECTION. IF THE CHARTER SCHOOL AND THE AUTHORIZING LOCAL BOARD OF EDUCATION CANNOT AGREE ON AN AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION, THE CHARTER SCHOOL MAY FILE A NOTICE WITH THE STATE BOARD AS PROVIDED IN SECTION 22-30.5-108 TO APPEAL THE DECISION OF THE LOCAL BOARD CONCERNING A UNILATERAL IMPOSITION OF CONDITIONS ON THE CHARTER SCHOOL. THE STATE BOARD SHALL DECIDE THE APPEAL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-30.5-108. NEGOTIATIONS TO AMEND THE CHARTER CONTRACT TO ALLOW THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM SHALL NOT INCLUDE NEGOTIATIONS REGARDING TERMS OF THE CHARTER CONTRACT THAT ARE NOT DIRECTLY IMPACTED BY THE PROGRAM EXPANSION AND SHALL NOT INCLUDE REAUTHORIZATION OF THE CHARTER SCHOOL.

**SECTION 9.** In Colorado Revised Statutes, 22-30.5-508, **add** (6) as follows:

**22-30.5-508. Institute charter schools - contract contents - regulations.**

(6) AN INSTITUTE CHARTER SCHOOL THAT PROVIDES A HALF-DAY KINDERGARTEN EDUCATIONAL PROGRAM BEFORE THE 2019-20 SCHOOL YEAR AND CHOOSES TO EXPAND THE KINDERGARTEN EDUCATIONAL PROGRAM TO A FULL DAY SHALL NOTIFY THE INSTITUTE BOARD OF THE EXPANSION OF THE KINDERGARTEN EDUCATIONAL PROGRAM AND OF THE SCHOOL YEAR IN WHICH THE ANTICIPATED PROGRAM EXPANSION TAKES EFFECT. THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE BOARD SHALL AMEND THE CHARTER CONTRACT AS NECESSARY TO ALLOW FOR THE PROGRAM EXPANSION. IF THE INSTITUTE BOARD OBJECTS TO THE PROGRAM EXPANSION, THE INSTITUTE BOARD SHALL PROVIDE TO THE INSTITUTE CHARTER SCHOOL A WRITTEN EXPLANATION OF THE GROUNDS FOR ITS OBJECTION. IF THE INSTITUTE CHARTER SCHOOL AND THE INSTITUTE BOARD CANNOT AGREE ON AN AMENDMENT TO THE CHARTER CONTRACT FOR THE PROGRAM EXPANSION, THE INSTITUTE CHARTER SCHOOL MAY SUBMIT TO THE STATE BOARD A NOTICE OF APPEAL, STATING THE GROUNDS FOR THE APPEAL. WITHIN SIXTY DAYS AFTER RECEIVING THE NOTICE OF APPEAL AND AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD SHALL REVIEW THE DECISION OF THE INSTITUTE TO DENY THE PROGRAM EXPANSION AND DETERMINE WHETHER THE DECISION WAS ARBITRARY AND CAPRICIOUS. THE STATE BOARD SHALL REMAND THE MATTER TO THE INSTITUTE WITH INSTRUCTIONS TO APPROVE OR DENY THE PROGRAM EXPANSION. THE DECISION OF THE STATE BOARD SHALL BE FINAL AND NOT SUBJECT TO APPEAL.

**SECTION 10.** In Colorado Revised Statutes, 22-7-1213, **amend** (2) introductory portion and (2)(a) as follows:

**22-7-1213. Reporting requirements.** (2) Each local education provider that receives an early literacy grant pursuant to section 22-7-1211 or per-pupil intervention ~~moneys~~ MONEY shall, at the conclusion of each budget year in which it receives the grant or per-pupil intervention ~~moneys~~ MONEY, submit to the department information describing:

(a) The instructional programs, ~~full-day kindergarten program~~, summer school literacy program, tutoring services, or other intervention services for which the local education provider used the grant or per-pupil intervention ~~moneys~~ MONEY;

**SECTION 11.** In Colorado Revised Statutes, **repeal** 22-7-1210 (5)(b)(I), 22-44-118, 22-54-130, and 22-54-131.

**SECTION 12. Appropriation.** For the 2019-20 state fiscal year, \$182,911,699 is appropriated to the department of education. This appropriation consists of \$173,972,108 from the general fund and \$8,939,591 from the state education fund created in section 17 (4)(a) of article IX of the state constitution. To implement this act, the department may use this appropriation for the state share of district's total program funding.

**SECTION 13. Appropriation - adjustments to 2019 long bill.** To implement this act, the cash funds appropriation from the state education fund created in section 17 (4)(a) of article IX of the state constitution, made in the annual general appropriation act for the 2019-20 state fiscal year to the department of education for hold-harmless full-day kindergarten funding is decreased by \$8,939,591.

**SECTION 14. Appropriation.** For the 2019-20 state fiscal year, \$25,094 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund, is subject to "(M)" notation as defined in the annual appropriations act for the same fiscal year, and is based on an assumption that the office will require an additional 0.3 FTE. To implement this act, the office may use this appropriation for child care licensing and administration.

**SECTION 15. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2019